



STATE OF NEW JERSEY

In the Matter of Marcus A. Hale,  
Housing Inspector (M0473B),  
City of Trenton

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2021-1728

Examination Appeal

ISSUED: JULY 26, 2021 (RAM)

Marcus A. Hale,<sup>1</sup> appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirement for the open competitive examination for Housing Inspector (M0473B), City of Trenton.

By way of background, the announcement for the subject examination was issued on March 15, 2020 and was open to candidates who met the residency requirement and who possessed one year of experience in building inspection, building repair, building maintenance, construction, construction inspection, and/or other work concerned with building structures and/or building repair as of the April 6, 2020 closing date. Successful completion of a course in Principles of Housing Inspection could be substituted for six months of experience. It is noted that only one applicant was found eligible and the resulting eligible list promulgated on March 18, 2021 and expires on March 17, 2024. A certification (OL210232) was issued on March 22, 2021. Agency Records reflect that the certification was returned to the Civil Service Commission (Commission) on June 10, 2021, with no appointment made by the appointing authority since the only eligible was interested in future certifications only.

On his application and resume, the appellant listed he served as a Sewer Repair Man with the City of Trenton from October 2019 to January 2020; a Truck Driver from June 2017 to October 2017 with Vietnam Veterans of America and a

<sup>1</sup> Agency records indicate that the appellant was appointed provisionally pending open competitive examination procedures effective January 6, 2020.

Package Receiver from November 2014 to December 2014 with Amazon.<sup>2</sup> Agency Services credited the appellant with three months of experience he gained provisionally in the subject title from January 2020 to April 2020. Therefore, it was determined that he lacked nine months of applicable experience as of the closing date.

On appeal to the Commission, the appellant indicates that he began his employment with the City of Trenton as a Housing Inspector on January 6, 2020 and he has now been in the position for over one year. Therefore, he requests admittance to the subject examination.

### CONCLUSION

*N.J.A.C.* 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. However, *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In this matter, Agency Services correctly determined that the appellant was ineligible for the subject examination because he did not meet the one year of required experience as of the April 6, 2020 closing date. The appellant's work experiences listed on his application and resume prior to his provisional experience as a Housing Inspector were deemed to be inapplicable as there were no indications of experiences in building inspection, repair, maintenance, construction or construction inspection. However, the appellant has been serving provisionally as a Housing Inspector with the appointing authority since January 2020.

Thus, the Commission finds that, for examination eligibility purposes, the appellant has been performing the duties of the title under test since January 2020. Therefore, he now possesses enough applicable experience based on this service. Moreover, absent accepting the appellant's provisional experience after the closing date, no other eligible candidate can be appointed as there is an incomplete list of less than three interested eligibles for the position. In this regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with appointments and/or advancement opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998).

Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and accept the appellant's provisional experience after the closing date for examination eligibility purposes and admit him to the examination.

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<sup>2</sup> Agency records indicate that the appellant began his employment with the City of Trenton as a temporary Laborer 1 from August 2016 to January 2017. He then received a regular appointment to that title in October 2017. Subsequently, he served as a Sewer Repairer 1 from December 2018 to January 2020.

**ORDER**

Therefore, it is ordered that the appeal be granted, and the appellant's application be processed for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 21<sup>ST</sup> DAY OF JULY, 2021

*Deirdre' L. Webster Cobb*

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